

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

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In re	:	Chapter 9
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CITY OF DETROIT, MICHIGAN,	:	Case No. 13-53846
	:	
Debtor.	:	Hon. Steven W. Rhodes
	:	
	:	
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**RESPONSE OF THE CITY OF DETROIT TO THE MOTION
TO CONTEST DEBTOR'S NOTICE OF NON-VOTING STATUS
AND HOLD DEBTOR LIABLE FOR ITS MISREPRESENTATION**

The City of Detroit (the "City") hereby responds to the *Motion to Contest Debtor's Notice of Non-Voting Status and Hold Debtor Liable for its Misrepresentation* (Docket No. 5016) (the "Motion"), filed by Irma Industrious. In the Motion, Ms. Industrious stated that she received a ballot to vote on the City's plan of adjustment (the "Plan") and subsequently received a Notice of Non-Voting Status. Ms. Industrious asserted that the City, by mailing her a Notice of Non-Voting Status, seeks to deny her the right to vote on the Plan.

The City does not seek to deny Ms. Industrious the right to vote using the ballot that she received. Ms. Industrious received a ballot to vote as a member of Class 11(GRS Pension Claims) under the Plan, and the City will count Ms. Industrious's Class 11 ballot if it is properly filled out and returned by the voting

deadline. Ms. Industrious, however, also filed three proofs of claim. See Proofs of Claim Nos. 2404, 2405, and 2406. In her proofs of claim, Ms. Industrious asserted secured claims. These secured claims are claims in Class 3 (Other Secured Claims) for purposes of voting on the Plan. Because Class 3 claims are unimpaired under the Plan, holders of Class 3 claims are not entitled to vote on the Plan. Thus, Ms. Industrious received a Notice of Non-Voting Status on account of her Class 3 claims, not on account of her Class 11 GRS Pension Claims.

Prior to filing this response, the City contacted Ms. Industrious and explained to her that her Class 11 ballot would be counted if properly filled out and submitted and that the Notice of Non-Voting Status that she received was on account of a Class 3 secured claim. Nonetheless, Ms. Industrious declined to withdraw the Motion and encouraged the City to file this Response.

The City does not seek to deny Ms. Industrious the right to vote on the Plan using her Class 11 ballot. In light of the foregoing, the Motion should be denied.

Dated: June 3, 2014

Respectfully submitted,

/s/ Heather Lennox

Bruce Bennett (CA 105430)
JONES DAY
555 South Flower Street
Fiftieth Floor
Los Angeles, California 90071
Telephone: (213) 243-2382
Facsimile: (213) 243-2539
bbennett@jonesday.com

David G. Heiman (OH 0038271)
Heather Lennox (OH 0059649)
JONES DAY
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114
Telephone: (216) 586-3939
Facsimile: (216) 579-0212
dgheiman@jonesday.com
hlennox@jonesday.com

Jonathan S. Green (MI P33140)
Stephen S. LaPlante (MI P48063)
MILLER, CANFIELD, PADDOCK AND
STONE, P.L.C.
150 West Jefferson
Suite 2500
Detroit, Michigan 48226
Telephone: (313) 963-6420
Facsimile: (313) 496-7500
green@millercanfield.com
laplante@millercanfield.com

ATTORNEYS FOR THE CITY

CERTIFICATE OF SERVICE

I, Heather Lennox, hereby certify that the foregoing *Response of the City of Detroit to the Motion to Contest Debtor's Notice of Non-Voting Status and Hold Debtor Liable for its Misrepresentation* was filed and served via the Court's electronic case filing and noticing system on this 3rd day of June, 2014.

/s/ Heather Lennox _____